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Attorneys for Defendants
SAKHAWAT KHAN and ROOMY KHAN

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VILMA SERRALTA,

Plaintiff,

v.

SAKHAWAT KHAN, ROOMY KHAN
And DOES ONE through TEN, inclusive,

Defendants.

CASE NO.: CV 08 1427 EDL

**DECLARATION OF SAKHAWAT
KHAN IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
VILMA SERRALTA'S MOTION
FOR LEAVE TO CONDUCT
LIMITED EXPEDITED
DISCOVERY AND TO PERMIT
ENTRY AND INSPECTION OF
LAND AND TANGIBLE THINGS**

Honorable Elizabeth D. Laporte
Hearing Date: May 28, 2008
Time: 9 a.m.
Place: Courtroom E, 15th Floor

I, Sakhawat Khan, declare as follows:

1. I have personal knowledge of the following facts and if called as a witness, I could and would testify to the matters stated herein.

2. My wife, Defendant Roomy Khan, and I own the home in Atherton that is at issue in this discovery motion. We have owned the property since January 2000.

3. We listed the house for sale in June 2006, and the house has been on the market for most of the period since that time.

DECLARATION OF SAKHAWAT KHAN IN
SUPPORT OF DEFENDANTS' OPPOSITION TO
VILMA SERRALTA'S MOTION FOR LEAVE TO
CONDUCT LIMITED EXPEDITED DISCOVERY
AND TO PERMIT ENTRY AND INSPECTION OF
LAND AND TANGIBLE THINGS

1 4. Since June 2006, we have received one offer, and that was last year, 2007. We
2 have received no offers to buy our home in 2008, and the home remains on the market today.
3 There are no outstanding purchase offers, and to my knowledge none is expected anytime soon.

4 5. Plaintiff's motion makes reference to a wine closet. While our home does have a
5 wine closet, it is under lock and key and at no time did Plaintiff have access to the closet or have
6 responsibility for its cleaning or care.

7 6. On or about March 12, 2008, the Atherton Police Department called our home to
8 advise me that La Raza Centro Legal, counsel for Plaintiff, had organized a protest in front of
9 our residence for the following day, and that the protest would involve approximately 50
10 protestors. The Police advised me and my family to leave our home during the protest.

11 7. The following day, such a protest did in fact occur with dozens of protestors
12 marching on our street and protesting in front of our home. Although I was not present at the
13 protest, I later saw videotape of the protest filmed by various TV news crews. That evening, on
14 each of the major local news programs, the protest aired, and Plaintiff's attorneys were
15 interviewed. My understanding is that some of the broadcasts also included video footage from
16 the real estate listing of our home.

17 8. A link to the website containing our real estate listing was included in paragraph
18 17 of the Complaint.

19 9. My family and I left our home in the morning. My wife and daughter attempted
20 to return home in the evening, but decided not to enter the premises because there was a news
21 truck and reporter in front of our house and my wife felt uncomfortable to engage with the
22 media. We were unable to return to our home until later in the evening.


23 10. As a result of the protest, our friends and social contacts asked us many questions
24 about the protest and the lawsuit that had been filed. Although we deny the allegations of the
25 Complaint, we felt victimized, tortured, embarrassed and humiliated, which we believe is exactly
26 what the Plaintiff and her lawyers sought to accomplish.

1 11. An inspection and videotaping of our home will be deeply distressing to our
2 family. Our home is our sanctuary and private space. To have it filmed, measured, and
3 otherwise inspected represents to us a profound violation of our right to privacy and would cause
4 great upset.

5 12. We are most concerned about the safety of our daughter. Given the tactics
6 demonstrated to date by Plaintiff's attorneys, we simply do not trust that pictures or images of
7 our home will be placed in the public domain and thereby compromise the feeling of safety and
8 security that we enjoy in our home, especially as it relates to the safety of our daughter. We
9 believe such notoriety may increase the likelihood that we may be the victims of a burglary or
10 other senseless crime.

11 13. My wife and I feel we are being punished and abused because we enjoy the
12 American dream of owning a lovely home in Atherton. We respectfully submit that the
13 inspection and videotaping is totally unnecessary and inappropriate and should not occur. If the
14 Court were to nevertheless allow such an inspection, we respectfully ask that the inspection be
15 for a very short period of time, and be closely monitored or supervised.

16 I declare under penalty of perjury under the laws of the State of California that the
17 foregoing is true and correct and that this declaration was executed on May 19, 2008, in Palo
18 Alto, California.

19
20 By: 
21 Sakhawat Khan